

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

NANCY GONZÁLEZ GUZMÁN
Plaintiff

v.

**KIA MOTORS CORPORATION;
HYUNDAI MOTOR COMPANY; JOHN
DOE; JANE DOE; FOREIGN COMPANIES
A,B and C**

Defendants

CIVIL NO.:

**PRODUCT LIABILITY JURY
DEMAND**

PLAINTIFF DEMANDS
TRIAL BY JURY

COMPLAINT

TO THE HONORABLE COURT:

COMES now **PLAINTIFF**, through the subscribing attorneys who very respectfully
STATE, ALLEGE and **PRAY**:

I. INTRODUCTION

1. This is a civil action for product liability that resulted in physical and emotional damages to Nancy González Guzmán, while the vehicle KIA SOUL PSL1, 2019, VIN#KNDJN2A27K7699526, provoked an accident on June 4, 2020.

II. JURISDICTION AND VENUE

2. This Honorable Court has jurisdiction over the present case by virtue of diversity of citizenship statute, 28 U.S.C. § 1332, and by the fact that the claim of plaintiff exceeds the sum of \$75,000.00 exclusive of costs and interests.

3. This Court has jurisdiction over Defendants inasmuch as Defendants, acting on its own and/or through its agents, wholesalers, distributors, sellers, franchisees, licensees and sub-

licensees have carried out business transactions and/or have committed tortious acts within the commonwealth of Puerto Rico.

III. PARTIES

4. Plaintiff Nancy González Guzmán is of legal age, single and resident and domiciled in Urb. Río Hondo II, AC-36, Río Herrera, Bayamón, Puerto Rico 00961.

5. Co-defendant **KIA MOTORS CORPORATION** is an automobile manufacturer headquartered in Seoul, South Korea. KIA MOTORS CORPORATION is the company that manufactured, designed, assembled, tested, marketed, sold, advertised and/ or distributed the KIA SOUL PSL1, 2019, VIN#KNDJN2A27K7699526. KIA Motors Corporation's headquarters are located in 12 Heolleung-ro, Seocho-gu, Seoul, Seoul, KR.

6. Co-Defendants **JOHN DOE** and **JANE DOE** are unknown natural persons, domiciled in other place than Puerto Rico, who are responsible for any damages caused to plaintiffs. Once their true names are known, they will be substituted.

7. **FOREIGN COMPANIES A, B & C** are fictitious names domiciled in other place than Puerto Rico, which represent any entities jointly responsible for the damages caused to plaintiff. Once their true names are known, they will be substituted.

IV. FACTS

9. On June 4, 2020 at approximately 7:00p.m., plaintiff Nancy González Guzmán was driving his vehicle, a KIA SOUL PSL1, 2019, VIN#KNDJN2A27K7699526, near her property in Bayamón. She was returning from her sister's house nearby. While parking the vehicle on her residence's driveway on reverse, the vehicle suddenly accelerated by itself forward, losing control of it and impacting a fire hydrant and a concrete light post across the street from her house. Plaintiff was the only person in the vehicle at the time of the accident.

10. The airbag system failed to activate and deploy during the crash.

11. Plaintiff Nancy González Guzmán lost consciousness. By the time she woke up, she saw neighbors trying to remove her from the vehicle. Shortly thereafter, paramedics from an ambulance service arrived at the scene. Plaintiff was rushed to Hospital San Pablo in Bayamón.

V. COUNTS

COUNT I: STRICT LIABILITY

12. Defendant KIA MOTORS CORPORATION manufactured, designed, assembled, tested, marketed, sold, advertised, and /or distributed the KIA SOUL PSL1, 2019, VIN#KNDJN2A27K7699526, owned by plaintiff Nancy González Guzmán.

13. The vehicle, KIA SOUL PSL1, 2019, VIN#KNDJN2A27K7699526, contained a defective and unsafe design and/or electrical malfunction that caused the sudden acceleration of the vehicle, therefore constituting a product unsafely dangerous for normal use due to its defective design and manufacture.

14. The vehicle, KIA SOUL PSL1, 2019, VIN#KNDJN2A27K7699526, contained a defective and unsafe design and/or electrical malfunction that caused an activation/deployment failure of the airbag system, therefore constituting a product unsafely dangerous for normal use due to its defective design and manufacture.

15. As a direct and proximate result of all co-defendants designing, manufacturing, assembling, testing, marketing, selling, advertising and /or otherwise distributing the KIA SOUL PSL1, 2019, VIN#KNDJN2A27K7699526, Plaintiff suffered serious damages.

16. Co-defendants are strictly liable in law to Plaintiff pursuant to applicable laws, statutes and regulations.

COUNT II: NEGLIGENCE

17. At all times, it was the duty of the Defendants to use reasonable care in the designing, manufacturing, assembling, testing, marketing, selling, advertising, warning, and /or otherwise distributing the KIA SOUL PSL1, 2019, VIN#KNDJN2A27K7699526.

18. Contrary to their duty, the Defendants were responsible of at least for the following careless and negligent acts and/ or omissions:

a. Failed to adequately and properly test and inspect the components incorporated into the KIA SOUL PSL1, 2019, VIN#KNDJN2A27K7699526, so as to ascertain whether or not it was safe and proper for the purpose for which was designed, manufactured and sold;

b. Failed to utilize and/or implement a reasonably safe design in the manufacture, installation and/or functioning of the the KIA SOUL PSL1, 2019, VIN#KNDJN2A27K7699526;

c. Failed to install a safe airbag system.

19. The Defendants, therefore, are liable in law to Plaintiff pursuant to applicable laws, statutes and regulations.

VI. DAMAGES

20. Due to the negligent acts and/or omissions of the Defendants, Nancy González Guzmán suffered severe physical and emotional damages.

21. Due to the negligent acts and/or omissions of the Defendants, plaintiff Nancy González Guzmán suffered and continues to suffer immense physical damages. Specifically, she has suffered and is suffering among others the following conditions:

i) Straightening of the cervical lordosis suggestion spasm subluxation or prevertebral swelling;

ii) Cardiomegaly with CTR of 15.3/30.3;

- iii) Upper thoracic compression fracture;
- iv) Mild compression fracture Thoracic spine;
- v) Regular density with air bronchogram in the left lower lobe compatible with fibrosis.

22. Due to the negligent acts and/or omissions of the Defendants, Nancy González Guzmán continues to suffer excruciating mental anguishes and suffering as a result of the accident and the physical damages suffered.

23. Plaintiff's damages are ongoing and accumulating, as she is currently receiving treatment for physical and emotional suffering.

24. In all, the physical injuries, physical disability and impairment, excruciating pain, mental anguish, past and future medical and psychological care, suffered by plaintiff Nancy González as a result of the defendants' negligent acts and/or omissions, are valued in an amount of not less than ONE MILLION DOLLARS (\$1,000,000.00), for which the defendant is liable.

25. Plaintiff demands trial by jury of all issues in the case.

VII. PRAYER FOR RELIEF:

WHEREFORE, PLAINTIFF demands judgment against defendants, jointly, in the sum of **\$1,000,000.00**, together with the interests thereon from the date of the filing of the present complaint, costs and reasonable attorney's fees.

RESPECTFULLY SUBMITTED

In San Juan, Puerto Rico, today, December 28, 2020.

S/GABRIEL A. PEÑAGARÍCANO VALDÉS

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